

**Ernest Warren, Jr. OSB 891384**  
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**Attorney for Defendant Earl D. Fisher**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Case No. 3:18-CR-00319-JO-2**

**Plaintiff,**

**DECLARATION OF ERNEST  
WARREN, JR. IN SUPPORT  
OF DEFENDANT'S MOTION  
TO REQUEST THE REVIEW  
OF THE DETENTION  
HEARING**

**v.**

**EARL D. FISHER,**

**Defendant.**

I, Ernest Warren, Jr., do depose and say:

1. I was appointed to represent defendant, Earl D. Fisher, on June 22, 2018.
2. On July 10, 2018, the Court ordered detention for the defendant following his initial appearance, arraignment, and detention hearing.
3. The defendant now desires to be released to his residence in Southeast Portland, Oregon shared with his wife, Tina Fisher.
4. There is no risk that Mr. Fisher will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a

**PAGE 2—DECLARATION IN SUPPORT OF MOTION TO REQUEST THE REVIEW OF  
THE DETENTION HEARING**

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prospective witness or juror. Mr. Fisher suffers health conditions that seriously limit his mobility. In 2007, he fell off a roof and fractured his back. He now suffers partial paralysis from the waist down and is in constant pain. In addition, the main artery to his left kidney was severed resulting in weakness and fatigue. He received Social Security Disability from this incident until his arrest in 2016. Further, in 2008 Mr. Fisher's throat was slit resulting in blindness in his left eye and hearing loss.

5. With respect to Mr. Fisher's criminal history, he primarily has DUII and DWS issues. In 2010, he pleaded no contest to two counts of UUW. The allegations were feeble and he ultimately received 5 years of probation. He completed it all and it was terminated successfully after only 2.5 years. Mr. Fisher has no other gun or weapon charges. Mr. Fisher does not have a violent past and his wife has confirmed there are no weapons on his premises.
6. There is little concern that Mr. Fisher will be a flight risk. His entire family lives in Portland, Oregon or nearby. He has lived in the area for 52 years and only left the country once, for his honeymoon in the Bahamas. Along with wife, his daughter and three grandchildren reside in his home in Southeast Portland. His mother and one sister resides in the area and another sister lives in Woodland, WA. Also, the risk of flight is decreased by Mr. Fisher's health conditions described above. Thus, any risk of flight could be relieved by requiring him to wear an ankle bracelet.

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7. For this reason, I request the Court consider releasing the defendant to his residence in Southeast Portland.

DATED this 12 day of July, 2018.

RESPECTFULLY SUBMITTED,

/s/ Ernest Warren, Jr.

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**Ernest Warren, Jr. OSB No. 891384**  
Attorney for defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a certified true copy of the **MOTION TO REQUEST THE REVIEW OF THE DETENTION HEARING AND DECLARATION IN SUPPORT** in the attached matter upon the parties listed below by notice of electronic filing using the CM/ECF System as follows:

**Leak K. Bolstad**  
U.S. Attorney's Office  
District of Oregon  
1000 S.W. Third Avenue  
Suite 600  
Portland, OR 97204  
503-727-1125  
Fax: 503-727-1117

and filed the original with the Court on the date listed below.

DATED this 12 day of July 2018.

**WARREN & SUGARMAN**

/s/Ernest Warren, Jr.  
**Ernest Warren, Jr. OSB No. 891384**  
Attorney for Defendant